

  
**de maximis, inc.**

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November 15, 2010

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 42 – October 2010  
Lower Passaic River Study Area (LPRSA) Remedial Investigation/  
Feasibility Study (RI/FS)  
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.**

**Meetings/Conference Calls**

- On October 5, CPG participated in the New York Academy of Science Consortium Meeting.
- On October 29, CPG, EPA, and EPA and CPG contractors held a Progress Call to discuss modeling activities.

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### **Correspondence**

- On October 6, CPG provided responses to EPA comments and questions regarding Field Sampling Plan Volume 2 (FSP2) data validation valid values.
- On October 7, CPG provided hydrodynamic model output for hourly time-series data of skin friction requested by EPA.
- On October 12, CPG received a letter from EPA dated October 5, 2010 regarding CPG's September 20 response to comments received from the EPA on the Risk Assessment documents and the Low Resolution Coring (LRC) Characterization Report.
- On October 12, CPG and EPA exchanged emails regarding FSP2 sample results data validation qualifier codes.
- On October 12, CPG submitted responses to EPA comments on the Risk Assessment Risk Characterization Plan, the Data Usability and Data Evaluation Plan, and the Approach for Developing Ecological Effect Thresholds Technical Memorandum.
- On October 15, CPG submitted the Monthly Progress Report to EPA.
- On October 15, CPG notified EPA that all observations for the Fall Avian Survey were complete and requested concurrence with this determination from the EPA.
- On October 15, EPA notified CPG that they agreed that the Fall Avian Survey was considered complete.
- On October 22, EPA and Partner Agencies provided comments to CPG on the draft Small Foraging Fish Tissue Analysis Plan.
- On October 22, CPG submitted responses to EPA and Partner Agencies comments on the Caged Bivalve Study Pilot memorandum.
- On October 22, EPA provided CPG a cost estimate for developing requested additional lab information related to LRC dioxin split sample data packages.
- On October 25, CPG notified EPA about the final dilutions for the semi-volatile organic compound (SVOC) analysis for fish tissue analyses.
- On October 25, EPA and CPG exchanged emails regarding the species of small foraging fish to be analyzed.
- On October 26, EPA responded to questions from CPG regarding requested analysis of tissue from a single small foraging fish.
- On October 29, CPG provided EPA a summary of 2009 Benthic Survey sediment sample data validation status by sample delivery group (SDG).

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## **Work**

- CPG conducted the fall 2010 Avian Habitat Survey October 11 through 15.
- CPG Modeling Team continued work on the HQI (HydroQual) SEDZLJS Sediment Transport Model code.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PWCM) surveys data.
- CPG continued work on the 2010 Bathymetry Survey report.
- CPG continued planning activities on the High Volume Chemical Water Column Monitoring (CWCM) QAPP development.
- CPG continued processing of 2010 Benthic Community Survey sediment samples (co-located with small foraging fish tissue samples) for chemical analyses.
- CPG continued validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey data.

### **(b) Results of Sampling and Tests**

- On October 21, CPG submitted spring PWCM lab data in spreadsheet format to the EPA's modeling oversight contractor (HQI).
- On October 29, CPG uploaded all (validated and unvalidated) 2009 Benthic Survey sediment data to the PREMIS Digital Library.

### **(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion**

- CPG will continue processing the 2010 Bathymetry Survey data and submit report to EPA.
- CPG will submit a revised small foraging fish tissue sample processing plan in response to EPA comments and begin processing tissue samples (summer 2010 Tissue Collection Survey) for chemical analyses.
- CPG will continue chemical analysis of summer 2010 Benthic Community Survey sediment samples co-located with small foraging fish tissue samples (summer 2010 Tissue Collection Survey).
- CPG will continue validation of 2009 Benthic Community Survey sediment data and 2009 Fish/Decapod Tissue Collection Survey data.

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- CPG will continue to prepare winter and spring 2010 Fish Community Survey field report
- CPG will begin drafting the spring and summer 2010 Benthic Community Survey field report.
- CPG will begin drafting the fall 2009 Benthic Community Survey toxicity test data report.
- CPG will begin drafting the fall 2009 Benthic Community Survey bioaccumulation tissue data report pending completion of data validation.
- CPG will begin drafting the summer and fall 2009 Fish/Decapod tissue data report pending completion of data validation..
- CPG will begin drafting the 2010 Habitat Survey and summer and fall 2010 Avian Survey reports.
- CPG will initiate the Caged Bivalve Pilot Study.
- CPG will begin drafting the Caged Bivalve Testing QAPP Addendum.
- CPG will continue reviewing the fall 2009 and spring 2010 PWCM data.
- CPG will respond to EPA comments on the Small Volume CWCM QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code and inputs.
- CPG will participate in monthly LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will continue reviewing and responding to EPA's comments on the risk assessment planning documents.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.**

- Calibration of the HQI ECOM-SEDZLJS should be completed by the EPA Modeling Team during the fourth quarter of CY 2010 or the CPG anticipates that further delay may impact the completion of the LPRSA RI/FS. The CPG Modeling Team will work collaboratively with the EPA Modeling team to support this goal.
- EPA's approval of the CPG's Small Volume CWCM QAPP is required by November 15, 2010 or a delay in implementing the field work may impact the

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completion of the LPRSA RI/FS. CPG is reviewing EPA comments on the subject QAPP received on November 4, 2010 and it is unlikely that they can be resolved by November 15.

- EPA's approval of Tierra's CSO/SWO Workplan (Workplan) is required by October 29, 2010 or a delay in implementing the field work may impact the completion of the LPRSA RI/FS. EPA has not approved the Workplan as of this date and potential delays to the LPRSA RI/FS schedule are being evaluated.
- CPG's response to EPA's risk assessment planning documents comments provided on September 10, 2010 and resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. CPG provided responses on October 12 and a proposed approach and schedule for those EPA comments not fully addressed on October 12.
- Analysis and validation of biological samples collected in 2009 and 2010 field seasons should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the HHRA and ERA in CY 2011. CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

**de maximis, inc.**

  
Willard F. Potter  
Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel  
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